

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of PACIFIC GAS AND ELECTRIC COMPANY for Adoption of its 2005 Energy Resources Recovery Account (ERRA) Forecast Revenue Requirement and for Approval of its 2005 Ongoing Competition Transition Charge (CTC) Revenue Requirement and Rates. (U 39 E)

Application 04-06-003  
(Filed June 1, 2004)

**ASSIGNED COMMISSIONER'S SCOPING MEMO AND RULING**

**Summary**

This ruling sets forth the scope, schedule, category, assignment of the principal hearing officer, and ex parte communications rules for this proceeding following a July 20, 2004, Prehearing Conference (PHC), pursuant to Rule 6.3 of the Commission's Rules of Practice and Procedure (Rules).

**Scope of Proceeding**

Issues for this proceeding are the reasonableness of Pacific Gas and Electric Company's (PG&E) Energy Resources Recovery Account (ERRA) forecast revenue requirement, rate design, restructure costs, market benchmark, amortization of ERRA and Competitive Transition Charge (CTC) accounts, and the implementation of a pending CTC decision in PG&E's 2004 ongoing CTC revenue requirement and rate design application (Application 03-08-004).

## **Schedule**

The schedule for this proceeding is as follows:

<b>Date</b>	<b>Activity</b>
August 9, 2004	PG&E Rate Design Update
September 3, 2004	ORA and Intervenor Testimony
September 20, 2004	Rebuttal Testimony
September 23, 2004	Witness List – Order of Testifying
September 28, 2004	Evidentiary Hearing Starts, Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California
September 29-30, 2004	Evidentiary Hearing Continues, as Needed
Date to be Determined at Conclusion of Evidentiary Hearing	Opening Briefs and Deadline to file a Request for Final Oral Argument.
October 22, 2004	Proposed Submittal Date
November 17, 2004	Proposed Decision Filed
December 7, 2004	Comments Due on Proposed Decision
December 13, 2004	Reply Comments Due on Proposed Decision
December 16, 2004	Final Decision

The parties shall limit testimony to matters involving the identified issues. All parties should confer amongst themselves on the order that their witnesses will testify. Applicant PG&E is requested to coordinate an agreed-upon witness order list. That witness list should be provided by PG&E to all parties and to the assigned ALJ by September 23, 2004. Any request for final oral argument before the Commission shall be made at the same date Opening Briefs are filed.

Our goal is to resolve this matter no later than December 16, 2004. However, in no event will resolution exceed 18 months from the date of filing this application, pursuant to SB 960, Section 12 and Rule 6(e).

**Category of Proceeding**

This ruling confirms the Commission's preliminary finding in Resolutions ALJ 176-3135 dated June 9, 2004 that this is a ratesetting proceeding, as described in Rule 5(c).

**Assignment of Principal Hearing Officer**

ALJ Galvin will act as principal hearing officer in this proceeding, pursuant to Rule 5(l).

**Ex Parte Communications**

Parties shall observe and comply with the Commission's ex parte communications rules set forth in Rules 7 and 7.1 of the Commission's Rules of Practice and Procedure.

**IT IS RULED** that:

1. The scope and schedule for this proceeding is set forth herein.
2. PG&E shall file an updated rate design proposal as a supplement to its application with the Docket Office no later than August 9, 2004. Copies of this filing shall be served on all parties of record and on the state and information only service list.
3. PG&E shall coordinate the order that witnesses shall testify with all interested parties and shall provide a copy of an agreed upon witness order list by letter to all parties and to the assigned ALJ by September 23, 2004.
4. An evidentiary hearing in the proceeding shall be held beginning at 10:00 a.m., September 28, 2004 and continue, as needed, through and including

September 30, 2004 in the Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California.

5. Any request for final oral argument before the Commission shall be made at the same date that Opening Briefs are to be filed.

6. Any settlement conference that may occur in this proceeding shall comply with the Commission's Rules on Settlement Conferences.

7. Parties shall serve filings on all appearances listed on the service list, including those identified as "State Service" and to "Information Only." Parties shall also serve filings on the assigned Commissioners and assigned ALJ.

8. This ruling confirms that this proceeding is a ratesetting proceeding for the purpose of Article 2.5.

9. The principal hearing officer in this proceeding is ALJ Galvin.

10. Parties shall observe and comply with the ex parte communications rules set forth in Rules 7 and 7.1 of the Commission's Rules of Practice and Procedure.

Dated July 26, 2004, at San Francisco, California.

/s/ MICHAEL R. PEEVEY

Michael R. Peevey  
Assigned Commissioner

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Assigned Commissioner's Scoping Memo and Ruling on all parties of record in this proceeding or their attorneys of record.

Dated July 26, 2004, at San Francisco, California.

/s/ TERESITA C. GALLARDO

Teresita C. Gallardo

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074 or TTY# 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.